

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 456

SENATE BILL NO. 333

By Johnson, Ford

Substituted for: House Bill No. 1053

By Lynn, Kernell, Jim Cobb

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 63, Chapter 26, relative to the board of electrolysis.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-26-102, is amended by deleting in its entirety subdivision (1) and by substituting instead the following:

(1) "Commissioner" means the Commissioner of Health and shall include designees of the Commissioner of Health;

SECTION 2. Tennessee Code Annotated, Section 63-26-104, is amended by deleting such section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 63-26-105, is amended by deleting such section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 63-26-106, is amended by deleting such section in its entirety and by substituting instead the following:

Section 63-26-106. Subject to appropriations for that purpose, the director of the division of health related boards shall employ and supervise all necessary administrative personnel necessary to conduct the functions of this chapter.

SECTION 5. Tennessee Code Annotated, Section 63-26-107, is amended by deleting such section in its entirety and by substituting instead the following:

Section 63-26-107.

(a) Any cumulative deficit of the board of electrolysis examiners remaining on the effective date of this act shall be transferred to the account created in subsection (b) to be eliminated through payment of fees assessed on persons regulated pursuant to this chapter.

(b) All fees collected by the commissioner pursuant to this chapter shall be deposited by the state treasurer in a separate account exclusively for the electrolysis program established in this chapter, and shall be used by the commissioner to defray expenses necessary to administer the provisions of this chapter. Unexpended and unobligated

fees remaining in this account at the end of any fiscal year shall not revert to the general fund but shall be used to eliminate the cumulative deficit of the board of electrolysis examiners remaining on the effective date of this act. Upon elimination of such deficit, unexpended and unobligated fees remaining in this account shall not revert to the general fund but shall remain available for the purposes set forth in this chapter. Penalties imposed by the commissioner shall be deposited into the state general fund.

SECTION 6. Tennessee Code Annotated, Section 63-26-108, is amended by deleting the first sentence of subsection (a) in its entirety and by substituting instead the following:

The Commissioner of Health shall:

SECTION 7. Tennessee Code Annotated, Section 63-26-108, is further amended in subdivision (a) by deleting subdivision (5) in its entirety.

SECTION 8. Tennessee Code Annotated, Section 63-26-108, is further amended in subsection (b) by deleting the language "board of electrology" wherever it may be found and by substituting instead the language "commissioner".

SECTION 9. Tennessee Code Annotated, Section 63-26-109, is amended by deleting the word "board" and by substituting instead the language "commissioner".

SECTION 10. Tennessee Code Annotated, Section 63-26-110, is amended by deleting such section in its entirety and by substituting instead the following:

Section 63-26-110. A person who acts in good faith shall not be civilly liable for providing information to the commissioner or a designee of the commissioner on any matter relative to the practice of electrolysis. The provisions of this section shall apply to any person who acts in good faith to provide information to a designee of the commissioner in the course of an investigation of the practice of electrolysis.

SECTION 11. Tennessee Code Annotated, Section 63-26-111(4), is amended in subdivision (B) by deleting the language "board" and by substituting instead the language "commissioner".

SECTION 12. Tennessee Code Annotated, Section 63-26-111(4), is further amended in subdivision (C) by deleting the language "board certified or board eligible dermatologist" and by substituting instead the language "dermatologist approved by the commissioner".

SECTION 13. Tennessee Code Annotated, Section 63-26-111(4)(C), is amended in subdivision (i) by deleting the language "board certified or board eligible dermatologist" and by substituting instead the language "dermatologist approved by the commissioner".

SECTION 14. Tennessee Code Annotated, Section 63-26-111(4)(C), is amended in subdivision (ii) by deleting the language "board" and by substituting instead the language "commissioner or commissioner's designee".

SECTION 15. Tennessee Code Annotated, Section 63-26-111(4)(C), is amended in subdivision (iii) by deleting the language "board" and by substituting instead the language "commissioner or commissioner's designee".

SECTION 16. Tennessee Code Annotated, Section 63-26-111, is amended in subdivision (5) by deleting the language "given by the board" and by substituting instead the language "approved by the commissioner".

SECTION 17. Tennessee Code Annotated, Section 63-26-111, is amended in subdivision (7) by deleting the language "board" and by substituting instead the language "commissioner".

SECTION 18. Tennessee Code Annotated, Section 63-26-112, is amended in the first sentence by deleting the language "by the board".

SECTION 19. Tennessee Code Annotated, Section 63-26-112, is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) Paid an examination fee set by the commissioner; and

SECTION 20. Tennessee Code Annotated, Section 63-26-112, is amended in subdivision (4) by deleting the language "to the board" and by substituting instead the language "to the commissioner".

SECTION 21. Tennessee Code Annotated, Section 63-26-113, is amended by deleting such section in its entirety and by substituting instead the following:

(a) Examinations for qualified applicants shall be offered at least once a year at the times and places determined by the commissioner or the commissioner's designee.

(b) Completed applications for examination must be received by the commissioner thirty (30) days prior to the examination date.

(c) The commissioner or the commissioner's designee shall notify each qualified applicant of the time and place of examination.

(d) The commissioner shall select an examination in which the testing and grading systems are recognized as standard in the field of professional licensure examinations.

SECTION 22. Tennessee Code Annotated, Section 63-26-114, is amended by deleting the language "board" wherever it may be found and by substituting instead the language "commissioner".

SECTION 23. Tennessee Code Annotated, Section 63-26-115, is amended by deleting the language "board" wherever it may be found and by substituting instead the language "commissioner".

SECTION 24. Tennessee Code Annotated, Section 63-26-116, is amended by deleting the language "board" wherever it may be found and by substituting instead the language "commissioner".

SECTION 25. Tennessee Code Annotated, Section 63-26-117, is amended by deleting the language "board" wherever it may be found and by substituting instead the language "commissioner".

SECTION 26. Tennessee Code Annotated, Section 63-26-118, is amended by deleting the language "board" wherever it may be found and by substituting instead the language "commissioner".

SECTION 27. Tennessee Code Annotated, Section 63-26-119(a), is amended in the first sentence by deleting the language "board" and by substituting instead the language "commissioner".

SECTION 28. Tennessee Code Annotated, Section 63-26-119(a)(6), is amended in subdivision (E) by deleting the language "board" and by substituting instead the language "commissioner".

SECTION 29. Tennessee Code Annotated, Section 63-26-119(b), is amended by deleting the language "board" and by substituting instead the language "commissioner".

SECTION 30. Tennessee Code Annotated, Section 63-26-120, is amended by deleting the language "board" wherever it may be found and by substituting instead the language "commissioner".

SECTION 31. Tennessee Code Annotated, Section 63-26-121, is amended by deleting the language "board" wherever it may be found and by substituting instead the language "commissioner".

SECTION 32. Tennessee Code Annotated, Section 63-26-123, is amended by deleting in the first sentence the language "board" and by substituting instead the language "commissioner".

SECTION 33. Tennessee Code Annotated, Section 63-26-125, is amended by deleting the language "board" and by substituting instead the language "commissioner".

SECTION 34. Tennessee Code Annotated, Section 63-26-126, is amended by deleting the language "board" wherever it may be found and by substituting instead the language "commissioner".

SECTION 35. Tennessee Code Annotated, Section 63-26-127, is amended in subsection (c) by deleting the language "board of electrologists" and by substituting instead the language "commissioner".

SECTION 36. Tennessee Code Annotated, Section 4-29-229(a), is amended by deleting item (9) in its entirety.

SECTION 37. Tennessee Code Annotated, Section 63-26-102(4), is amended by deleting the word "board" and by substituting instead the language "commissioner".

SECTION 38. Tennessee Code Annotated, Section 63-26-114, is amended by deleting subsection (c) in its entirety.

SECTION 39. Tennessee Code Annotated, Section 63-26-117, is amended by adding a new subsection thereto, as follows:

(c) The commissioner or a designee of the commissioner shall have the discretion to grant a waiver of examination to an applicant provided a written explanation of such waiver is provided to the applicant and made available to persons requesting a copy of such explanation.

SECTION 40. Tennessee Code Annotated, Section 63-26-127(c), is amended by deleting the language "All fines for the violation" and by substituting instead the language "All civil penalties for a violation".

SECTION 41. All rules and regulations filed by the board of electrolysis in the office of secretary of state upon the effective date of this act shall be deemed to be rules and regulations of the Commissioner of Health. The secretary of state is authorized and directed to change any references to the board of electrolysis to references to the Commissioner of Health in rules and regulations promulgated by the board of electrolysis pursuant to Title 4, Chapter 5. The rules and regulations of the board of electrolysis that were properly promulgated pursuant to Title 4, Chapter 5, shall remain in effect until subsequently amended or repealed.

SECTION 42. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 2, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 23rd day of June 2009



PHIL BREDESEN, GOVERNOR